

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BIOMÉRIEUX, S.A., BIOMÉRIEUX, INC., )  
)  
)  
Plaintiffs, )  
)  
v. ) C.A. No. 18-21-LPS-CJB  
)  
HOLOGIC, INC., GRIFOLS, S.A., GRIFOLS )  
DIAGNOSTIC SOLUTIONS INC., )  
)  
)  
Defendants. )  
\_\_\_\_\_ )

VERDICT FORM

**I. PATENT INVALIDITY**

**A. ANTICIPATION**

1. For each asserted claim of the bioMérieux patent, have the Defendants proven by clear and convincing evidence that the asserted claims of the '352 patent are invalid based on Gen-Probe's anticipation?

*Checking "yes" below indicates a finding for the Defendants*

*Checking "no" below indicates a finding for bioMérieux*

*Your answer must be the same for each claim. That is, you must answer "Yes" for all of the listed claims or alternatively you must answer "No" for all of the listed claims.*

Claim 1	Yes <u>✓</u>	No _____
Claim 2	Yes <u>✓</u>	No _____
Claim 3	Yes <u>✓</u>	No _____
Claim 4	Yes <u>✓</u>	No _____
Claim 5	Yes <u>✓</u>	No _____
Claim 6	Yes <u>✓</u>	No _____

*Please proceed to question 2.*

**B. OBVIOUSNESS**

2. For each asserted claim of the bioMérieux patent, have the Defendants proven by clear and convincing evidence that any of the following asserted claims is invalid for obviousness?

*Checking "yes" below indicates a finding for the Defendants*

*Checking "no" below indicates a finding for bioMérieux*

Claim 1	Yes <u>✓</u>	No _____
Claim 2	Yes <u>✓</u>	No _____
Claim 3	Yes <u>✓</u>	No _____
Claim 4	Yes <u>✓</u>	No _____
Claim 5	Yes <u>✓</u>	No _____
Claim 6	Yes <u>✓</u>	No _____

*Please proceed to Section II.*

**II. DAMAGES FOR INFRINGEMENT**

*If Defendants have not proven that all of the asserted claims are invalid, then complete this Section II. Otherwise skip to Section III.*

3. What is the total dollar amount that you conclude should be awarded to bioMérieux to compensate bioMérieux for the Defendants' infringement?

\$ \_\_\_\_\_

### III. CONCLUSION

You have reached the end of the verdict form. Review the completed form to ensure that it accurately reflects your unanimous determinations. All jurors should then sign and date the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should place the completed verdict form in the envelope provided to you and retain possession of it until the jury returns to the courtroom.

Date: Feb 25, 2020

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